

UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF NEW YORK

**BEECHWOOD RESTORATIVE
CARE CENTER,**

Plaintiff,

v.

JUDGMENT IN A CIVIL CASE

**TOMMY G. THOMPSON,
Secretary of the Department of
Health and Human Services,
MARK B. McCLELLAN,
Administrator of the Centers for
Medicare and Medicaid Services,
Defendants.**

CASE NUMBER: 05-CV-6299L

- ☐ JURY VERDICT. THIS ACTION CAME BEFORE THE COURT FOR A TRIAL BY JURY. THE ISSUES HAVE BEEN TRIED AND THE JURY HAS RENDERED ITS VERDICT.
- ☒ DECISION BY COURT. THIS ACTION CAME TO HEARING BEFORE THE COURT. THE ISSUES HAVE BEEN HEARD AND A DECISION HAS BEEN RENDERED.

IT IS ORDERED AND ADJUDGED THAT ALL OF THE PLAINTIFF'S CLAIMS ARE DISMISSED EXCEPT FOR THE SIXTH CLAIM RELATING TO THE UNTIMELY NOTICE OF DENIAL OF PAYMENT FOR NEW ADMISSIONS. UNLESS THE PARTIES CAN AGREE, THE MATTER ON THE SIXTH CLAIM IS REMANDED TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR MEDICARE AND MEDICAID SERVICES, FOR CALCULATION AND PAYMENT OF BENEFITS CONSISTENT WITH THE DECISION AND ORDER.

JULY 12, 2007
DATE

RODNEY C. EARLY
CLERK

(By): S/JOHN H. FOLWELL
JOHN H. FOLWELL
DEPUTY CLERK